

Docket and File

ALPHONSE FLETCHER, JR.

October 7, 2014

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U S DISTRICT COURT SDNY

The Honorable J. Paul Oetken
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

**Re: Muho v. Ball, Case No. 1:14-cv-07045-JPO;
Fletcher v. Ball, Case No. 1:14-cv-07666-JMF**

Dear Judge Oetken:

I respectfully write to Your Honor to follow up on my letter of September 24, 2014 which I noticed did not appear on the docket. Attached is a copy of that letter which was delivered to the pro se office on September 24, 2014.

Also, please accept the attached brief which I prepared *pro se*. I understand that your recent order granting the trustee's requests required my brief to be delivered yesterday. I respectfully request that Your Honor accept my brief despite that brief delay and despite other infirmities which may result from my proceeding without counsel. I will correct anything errors that Your Honor directs.

Respectfully and sincerely submitted,



Alphonse Fletcher, Jr.

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ALPHONSE FLETCHER, JR.

September 25, 2014

The Honorable Jesse M. Furman and The Honorable J. Paul Oetken
United States District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: **Muho v. Ball, Case No. 1:14-cv-07045-JPO;**
Fletcher v. Ball, Case No. 1:14-cv-07666-JMF

Dear Judge Furman and Judge Oetken:

I respectfully write to Your Honors to correct certain statements in the September 24, 2014 letter from Mr. Hine, counsel to the chapter 11 Trustee in these cases. The Joinder I filed was limited to two requests: to remove the Trustee and to deny dismissal of the bankruptcy cases. The Joinder cited the Trustee's prohibited adverse interests (Bankruptcy Code 327) and undisclosed connections (Bankruptcy Rule 2014) with parties accused of unlawful discrimination and retaliation against the estates the Trustee serves.

Mr. Muho's appeal is separate because the Trustee and I both objected to his primary request, to "Dismiss this Action," which was denied. Mr. Hine's letter misrepresented my Joinder and the Court's order in claiming:

- *Fletcher filed a so-called "Joinder in Part in the Chapter 11 Trustee's Objection to the Motion to Remove Chapter 11 Trustee, Dismiss this Action, and Other and Further Relief."*
- *the Bankruptcy Court found also that the Fletcher Joinder was improperly made, and ... refused to rule on it.*


In fact, the order did not declare the Joinder improper and the Joinder did not join in the Trustee's objection to the Motion to remove the Trustee. The Bankruptcy Court's order (Docket no. 306), denied the Muho Motion "in each of its respects" included the part joined by me which the order properly cited as:

"Alphonse Fletcher Jr.'s Joinder In Part In The Chapter 11 Trustee's Objection To The Motion To Dismiss And In The Muho Motion To Remove The Chapter 11 Trustee (Docket No. 302)."

Contrary to Mr. Hine's claim that the Joinder "merely joined in the Trustee's objection" and "contained no affirmative request for relief," the Joinder requests that the Trustee "be disqualified" and "be replaced:"

"A trustee, attorney, or financial advisor representing a debtor-in-possession while also representing a party-in-interest, even in unrelated matters, **must be disqualified**. "[W]hen such client has an interest adverse to the estate, then such attorney is no longer considered disinterested."¹ If the professional sought to be employed does not satisfy this standard, the Code prohibits the court from authorizing his or her employment. "Section 327 does not allow these limitations to be excused by waiver."² **The Trustee should be replaces [sic] and Mr. Muho should not be granted control of the Debtors."**

Respectfully and sincerely,



Alphonse Fletcher, Jr., *pro se*

cc: Mr. Hine and Mr. Muho

¹ *In re Environdyne Industries, Inc.* 150 B.R. 1008 (Bankr. N.D. Ill. 1993)

² *In re Amdura*, 121 B.R. 862, 866 (Bankr.D.Colo.1990).

48 Wall Street, Fourth Floor, New York, NY 10005
T: (212) 284-4800 F: (212) 284-4801
AFLETCHER@FLETCHER.COM WWW.FLETCHER.COM

Docket and File

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: <i>SOUNDVIEW ELITE et al</i> Debtors.	Chapter 11 Case No. 14-cv-7666 (JPO)
v. ALPHONSE FLETCHER, JR. (<i>pro se</i>), Appellants. CORINNE BALL, as Chapter 11 Trustee of SOUNDVIEW ELITE, <i>et</i> <i>al.</i> Appellees.	<i>On Appeal from the United States Bankruptcy Court for the Southern District of New York (Honorable Robert E. Gerber)</i>

CERTIFICATE OF SERVICE

I certify that on October 7, 2014, I served the Alphonse Fletcher's Opening Brief via UPS Express, the CM/ECF Electronic Filing system, or electronic mail on the following:

William K. Harrington OFFICE OF THE UNITED STATES TRUSTEE, REGION 2 c/o Richard C. Morrissey Office of the United States Trustee Southern District of New York 201 Varick Street, Suite 1006 New York, New York 10014 (212) 510-0500, ext. 206 Email: Richard.Morrissey@usdoj.gov	
Veerle Roovers JONES DAY 222 East 41st Street New York, NY 10017 (212) 326-3945 Email: vroovers@jonesday.com <i>Attorney for the Chapter 11 Trustee</i>	Amy Edgy Ferber JONES DAY 1420 Peachtree Street, N.E., Suite 800 Atlanta, Georgia 30309-3053 (404) 581-8749 Email: aeferber@jonesday.com <i>Attorney for the Chapter 11 Trustee</i>



Alphonse Fletcher, Jr.
Party-in-Interest, *pro se*
48 Wall Street, 4th Floor
New York, NY 10005
(212) 284-4800